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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: UMBRELLA APPARATUS

 ω ω ω ω ω ω ω ω ω Examiner: HARGOBIND S. SAWHNEY

Art Unit: 2875

Confirmation No.: 9033

DECLARATION UNDER 37 C.F.R. § 1.131

MAIL STOP: AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

- I, Gregory G. Kuelbs, declare as follows:
- 1. I am over eighteen years of age and am competent to make this Declaration.
 - 2. I am the sole inventor of the subject invention.
- 3. I conceived of the claimed invention and reduced it to practice in the United States prior to 30 April 1999.
- 4. As early as April 1999, I was engaged in developing a variety of solarpowered lighting products that incorporated LED's, and was therefore familiar with the advantages of pairing LED technology with solar technology. Attached hereto as Exhibits A-V are documents that evidence my conception of the subject invention, my reduction to practice of the subject invention, and my diligence with regard to the subject invention.

- 5. Exhibit A is a true and correct photocopy of four pages from my U.S. passport bearing stamps evidencing that I traveled to China in July 1999 and October 1999. These trips to China were to attend various trade shows and to meet with various factories about the possibility of manufacturing solar powered lighted patio umbrellas for my company.
- 6. Exhibit B is a true and correct photocopy of two sheets of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in April 1999 as indicated by the date "4-99" in the lower left corner of each sheet of the notes. On the sheet on the left side of Exhibit B, I recorded reminders to inquire about certain detailed specifications for several of the components that would be used in the solar powered lighted patio umbrellas, such as how big of a solar panel, how many batteries, what size batteries, the cost for the solar system, the cost for the AC recharging system, the cost for various types of umbrellas (such as wood or aluminum), and the best selling sizes of umbrellas. On the sheet on the right side of Exhibit B, I drew a sketch of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella included a solar panel on top, batteries located in three possible locations (in the same module as the solar panel, carried in the crank housing on the pole, and carried in a base), at least two types of lights (LED's and cold cathode ray tubes), and a switch carried by the crank housing. My notes at the bottom of the page state that I wanted to further explore which was better to use (fluorescent, LED, or cold cathode), and how much power was going to be need for 4-8 hours of light. I wanted enough light to read a menu under the umbrella.
- 7. Exhibit C is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in April 1999 as indicated by the date "4-99" in the upper left corner of the sheet of the notes. I recorded the following notes: A. On aluminum hide wire in rib bulb can be recessed; and B. Can run wire on top canal that can be routed out and drill hole to accept bulb. At the top of the sheet, I recorded reminders to determine the size of solar panel for LED or cold cathode; and to make the panel removable. Also in the upper half of the sheet, I drew a sketch of the upper portion of a solar powered lighted patio umbrella. As

is clearly seen and labeled, the umbrella includes a removable solar panel on top, LED bulbs spaced along the ribs and partially recessed within the ribs, and a wire from the lights and the solar panel to a switch located below the canopy portion.

- 8. Exhibit D is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in April 1999 as indicated by the date "4-99" in the upper left corner of the sheet of the notes. In the middle of the page, I drew three sketches of possible covers for LED bulbs and cold cathode bulbs. At the top of the sheet, I recorded the following notes: "Hide wiring," "Let LED stick out," and "Keep from breaking."
- 9. I submit that the notes and sketches of Exhibits B, C, and D clearly evidence that I had fully reduced the invention to practice as early as April 1999.
- 10. Exhibit E is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in June 1999 as indicated by the date "6-99" in the lower right corner of the sheet of the notes. At the top of the sheet, I drew a crude sketch of a solar powered lighted umbrella having a motorized opening and closing system and a cooling system. The "motor updown" is clearly labeled. At the bottom of the sheet, I recorded notes about how much battery to use, and that I could hide the wires and the water supply in the ribs.
- 11. Exhibit F is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in July 1999 as indicated by the date "7-99" in the lower right corner of the sheet of the notes. These notes were made in preparation for my July 1999 trip to China and relate specifically to a particular umbrella factory in China, and one of its principals, Mr. Shen Yei. Mr. Yei's factory is very large. As can be seen, I recorded that Mr. Yei's factory "Won't play Volume too big." This meant that Mr. Yei's factory required orders that were going to be too large for my company to place at that time. My note, "No Solar" meant that Mr. Yei's factory did not handle any electronics, i.e., did not handle solar panels. These notes are a sample of the types of notes and records that I recorded over the months while I was diligently working on my invention.

- 12. Exhibit G is a true and correct photocopy of two sheets of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in preparation for my July 1999 trip to China as indicated by the note "Notes for China Trip 7-99" at the top of the first page of the notes. These notes relate to a first version of the umbrella, as indicated by the "V-1 Solar, LED light" at the top of the first page of notes. On the bottom of the first page, I recorded the following notes: 1. Solar panel big enough to power LED's probably 2-4 per rib - 4-8 hrs run time; LED's should require small power. Top mounted removable unit complete with batteries would be easiest to manufacture and ship; 2. Switch in crank housing, or at least upper part of pole; 3. Wiring hidden in pole; 4. LED's can be completely hidden in aluminum or if easier just drill a hole in rib and push partially into rib - this is bets for wood rib. The last notes indicated that we can discuss more complicated up-down etc. models later. At the top of the first sheet, I drew a sketch of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella includes a removable solar panel with batteries, LED bulbs spaced along the ribs and the struts, and a switch carried by a crank housing on the upper part of a 2-piece pole.
- 13. Exhibit H is a true and correct photocopy of two sheets of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in preparation for my July 1999 tri to China as indicated by the note "Proposed Discussion Notes China Trip July-Aug 99" at the top of the first page of the notes. These notes relate to a second version of the umbrella, as indicated by the "V-2 Solar, Cold Cathode lights" at the top of the first page of notes. On the bottom of the first page, I recorded the following notes: 1. Removable top with solar panel big enough to power 6-8 AA batteries should power 2-4 cold cathode bulbs; 2. Batteries in top housing or pole; 3. Switch in crank housing or on pole, Wiring hidden in rib on aluminum; Wiring hidden in slot for wood; Surface mount better for wood; Surface mount or recessed can work on aluminum; Solar or AC rechargeable; run time 4-8 hrs; Add misting, and or electric up down. At the top of the first sheet, I drew a sketch of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella includes a solar panel with batteries in either the

solar panel housing or in the pole, cold cathode carried by the ribs, and a switch carried by a crank housing.

14. Exhibit I is a true and correct photocopy of another sheet of notes that I recorded relating to a solar powered lighted patio umbrella with a cooling system. These notes were made in September 1999 as indicated by the date "9-99" in the upper left corner of the sheet of the notes. At the top of the sheet, I drew a crude sketch of a solar powered lighted umbrella having a cooling system. As is clearly seen and labeled, the umbrella includes a removable solar panel at the top that is easy to ship, and that will still charge when the cover is down, lights and misters on the struts, and mist-water in base or from a facet. At the bottom of the sheet, I recorded notes about rechargeable batteries in the base; and that table does not need base.

- 15. Exhibit J is a true and correct photocopy of a proposed itinerary for my October 1999 trip to China. These notes were taken in preparation for my October 1999 trip to China as indicated by the note "China Trip 10-8 10-27 Canton Fair" at the top of the first page of notes. One of the main reasons I took this trip to China was to meet with different manufactures and factories in China about manufacturing solar powered lighted patio umbrellas for my company.
- 16. Exhibit K is a true and correct photocopy of a receipt for foreign exchange of money that I made while I was at the Thomas Cook Hung Kai Airport on 20 October 1999, which further evidences my presence in China in October 1999.
- 17. Exhibit L is a true and correct photocopy of an email dated 11 October 1999 from Eric Li, an employee of my company, to me regarding a certain factory in China known as Real Faith. As indicated by my handwritten note, I was interested in finding out if this factory could manufacture our solar powered lighted patio umbrellas.
- 18. Exhibit M is a true and correct photocopy of an email dated 14 October 1999 from Eric Li to me regarding a certain factory in China known as Jiangsu Metal & Minerals Import and Export. We were interested in speaking with Jiangsu Metal & Minerals Import and Export because they manufacture many different types of products.

In particular, I was interested in seeing if they could supply my company with drill motors for the opening and closing systems and for bases for our solar powered lighted patio umbrellas.

- 19. Exhibit N is a true and correct photocopy of a memo from Eric Li to me dated 16 October 1999 regarding a Mr. Bakula. We were interested in speaking with Mr. Bakula about electronic certain components for our solar powered lighted patio umbrellas.
- 20. Exhibits O, P, and Q are drawings of the subject invention as drawn by Rodney S. Quillen, a graphic artist working under my direction in the United States, prior to 13 November 2000. These drawings show strands of small LEDs attached to the ribs of a solar umbrella.
- 21. My company transmitted Exhibits O, P, and Q to my patent attorney, Melvin Hunn, via facsimile on 9 November 2000 for use in preparing and filing a U.S. provisional patent application covering my invention.
- 22. Exhibit R is a true and correct photocopy of a screen shot of a file directory on the computer of Mr. Rodney S. Quillen, a graphic designer who works for my company, showing the file "Name" and "Date Modified" of the computer files that correspond to Exhibits O, P, and Q: Lighted Umbrella.eps, Lighted umbrella & stand18V.eps, and Lighted umbrella and stand.eps, respectively. The last modified dates for the relevant files are listed as "Mon, Oct 23, 2000" which is consistent with my own knowledge that Mr. Quillen had worked on this project prior to November 2000.
- 23. The provisional patent application, titled "Lighted Patio Umbrella Apparatus," was prepared by Melvin Hunn and filed on 7 February 2001. The provisional application was accorded U.S. Provisional Patent Application No. 60/267,018. The subject patent claims priority to U.S. Provisional Patent Application No. 60/267,018.
- 24. Attached hereto as Exhibits S, T, and U are Figures 1, 2A, 2B, 2C, 3A, 3B, and 3C of Provisional Application Serial No. 60/267,018. Melvin Hunn used the drawings that my company sent to him by facsimile on 9 November 2000 (Exhibits O, P, and Q) as the basis for Figures 1, 2A, 2B, 2C, 3A, 3B, and 3C (Exhibits S, T, and U) of

- U.S. Provisional Application Serial No. 60/267,018. The facsimile headers on Exhibits R, S, and T, clearly indicate that the drawings were sent via facsimile from my company, Worldwise (now known as World Factory, Inc.), to Melvin Hunn on 9 November 2000.
- 25. Furthermore, I conceived of the claimed invention in the United States at least as early as 30 April 1999 and worked diligently on the invention in the United States from a date prior to 30 April 1999, through the filing date of U.S. Provisional Application No. 60/267,018, i.e., 7 February 2001.
- 26. I worked diligently as a part of my full-time employment on further developing a marketable solar umbrella with LED lights, and performing other work related to the claimed invention, during the time period from prior to 30 April 1999 through 7 February 2001, the filing date of U.S. Provisional Application No. 60/267,018, and beyond.
- 27. In addition, I conceived of the claimed invention in the United States prior to 30 April 1999, and worked diligently on the invention in the United States from a date prior to 30 April 1999 through 2 November 2001, the filing date of U.S. Provisional Application No. 60/335,933.
- 28. On 2 November 2001, my patent attorney filed a second provisional application, U.S. Provisional Application No. 60/335,933, titled "Improved Outdoor Lighting Systems with Cold Cathode Tubes," which covered my invention of the solar-powered umbrella with LED lights, as well as other embodiments. The subject patent also claims priority to U.S. Provisional Application No. 60/335,933.
- 29. Figures 1, 2A, 2B, 2C, 3A, 3B, and 3C of U.S. Provisional Application No. 60/335,933 are identical to Exhibits S, T, and U.
- 30. I worked diligently as a part of my full-time employment on further developing a marketable solar umbrella with LED lights, and performing other work related to the subject invention, during the time period from prior to 30 April 1999 through 2 November 2001, the filing date of U.S. Provisional Application No. 60/335,933.

- 31. Exhibit V is a true and correct copy of a letter dated 26 April 2006 from Jessica Kao of Union Legend Inc., a Factory in Taiwan, regarding Union Legend's work for my company related to solar powered lighted patio umbrellas. The letter clearly sets forth that my company had conceived of, was working diligently on, and had reduced to practice, a solar powered lighted patio umbrella as early as July 1999.
- 32. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature:	Sugary J. Luell	<u>-</u>
Date of Signature:	3-15-07	
Full Name of Inventor:	Gregory G. Kuelbs	
Post Office Address:	1831 River Oaks Drive	
	Westlake, Texas 76262	
Citizenshin:	United States of America	

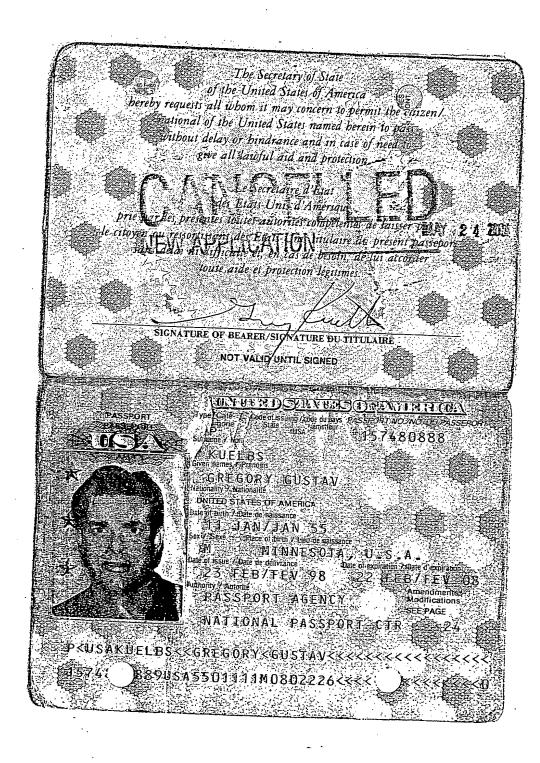
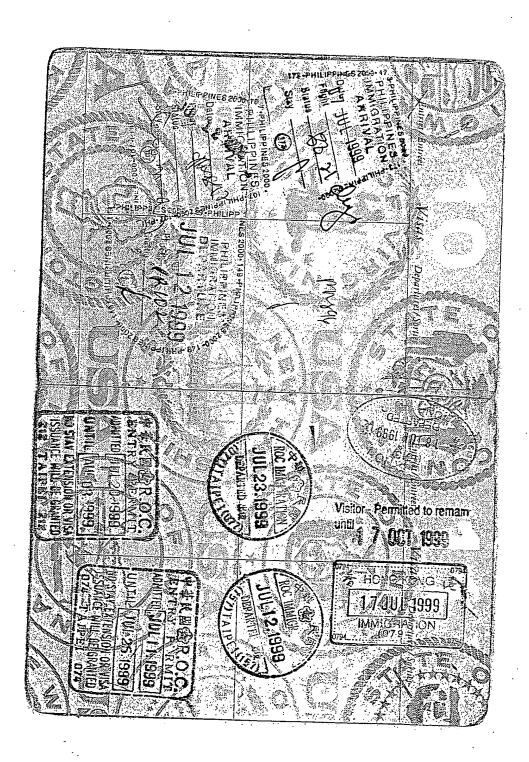
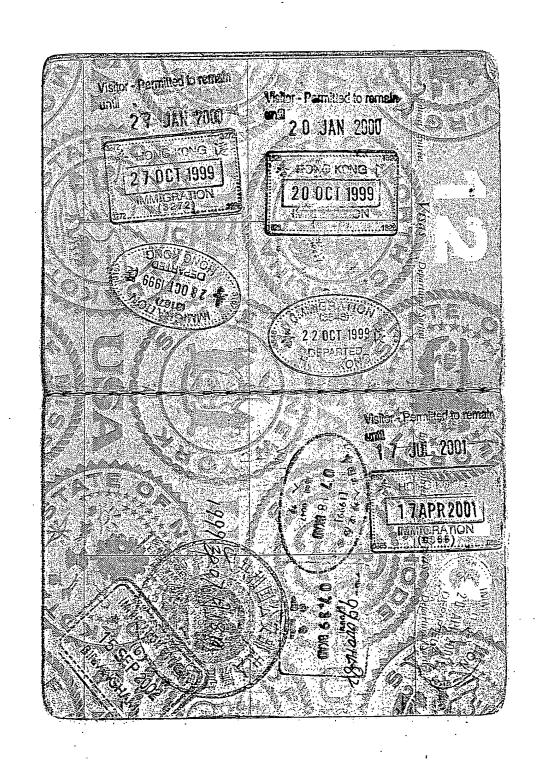
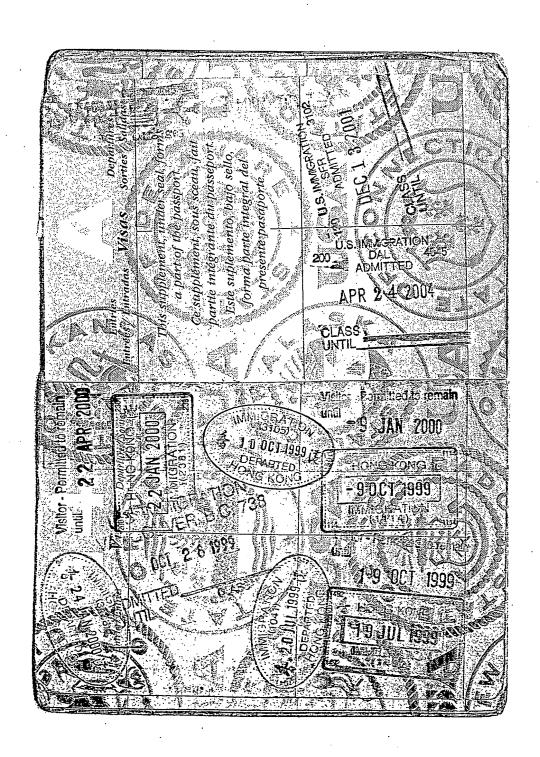


Exhibit A







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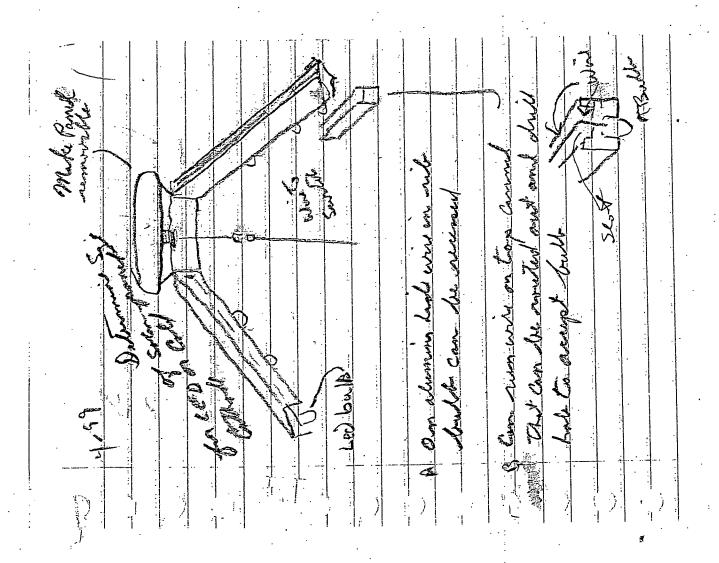


Exhibit D

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Exhibit E

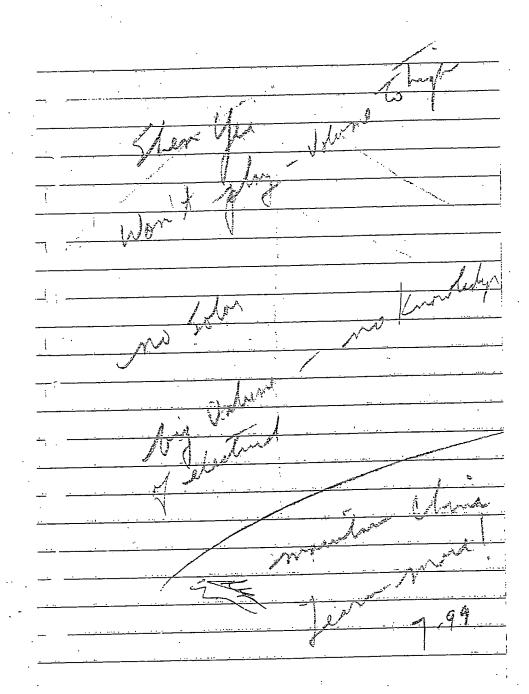


Exhibit F

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2. Batterin in top horseny on pole 3. Switch on brank housing or on for Wining headless in rib on aluminum wing haddle in slot for word Surface mount better for word or record con work on aluminum Run Tim 4-8 has Exhibit H

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Exhibit I

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REC 6/98



How IT professionals impress their bosses



Hotmail worldwise@hotmail.com

From: "Eric Li" <ericl@worldwiseco.com> Save Address Block Sender

To: "WorldWise" <worldwise@hotmail.com> Save Addresses

CC: "Weicheng Wang" <cxmtemao@public.xm.fj.cn> Save Addresses

Subject: real faith

Date: Mon, 11 Oct 1999 18:00:18 -0700

Previous Next Reply All Forward Delete

Dear Greg

Real Faith will not attend upcoming GuangZhou show. So please let me if you want to visit the office of Real Faith. It produces all kind of oak wood furniture. If you want to, I will try to arrange it. Thanks

Have a nice day.

Eric Li

WorldWise, Co.

2200 State Highway 114 West

Suite 300

Grapevine, TX 76051, USA

Tel: (817) 421-5767

Fax: (817) 421-6199 Email: ericl@worldwiseco.com

Home Page: www.worldwiseco.com

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Exhibit L

Hotmai1

worldwise@hotmail.com

essport 📆

Inbox

Hotmail Inbox

Compose

Addresses

Folders

Options

Help

Folder: Inbox

From: "Eric Li" (ericl@worldwiseco.com) Save Address Block Sender

To: "WorldWise" <worldwise@hotmail.com>, "John Kuelbs" <johnk@worldwiseco.com>, "Gustav Kuelbs"

<gusk@worldwiseco.com>, "Greg Kubles" <gregk@worldwiseco.com> Save Addresses

Subject: NYC trip Report

Date: Thu, 14 Oct 1999 17:45:25 -0700

Reply

Reply All

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Persons:

Li, MingYong, President, Jiangsu Metal & Minerals Imp. & Exp.

(Group) Corp.

Duan, ZhiWei, Assistant President, Jiangsu Metal & Minerals Imp. & Exp.

(Group) Corp.

Li, Eric, WorldWise

Time:

9:30pm, Oct. 12

Memo: We had a very good and constructive conversation. They are interested in our idea and would like to work with us

interested in our idea and would like to work with us.

There will be two stages to work with them:

1. Near term: We will purchase its current products, which we are interested in, from them. Also, they will source new products for us. They will provide all the necessary measures to export our products smoothly.

These measures include shipping, custom clearance, etc.

2. Long term: We will work with them to examine its IT system and come out with a plan to integrate the both side's systems.

As a result of this conversation, they will organize a team of 3 people to closely work with us to address all the issues we might have in the future.

Bric Li WorldWise, Co. 2200 State Highway 114 West Suite 300 Grapevine, TX 76051, USA

Tel: (817) 421-5767 Fax: (817) 421-6199

Email: <u>ericl@worldwiseco.com</u> Home Page: www.worldwiseco.com

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Exhibit M

To: Gregory Gustav Kuelbs

From: Zric

Dean Greg

As per our conversation last night, I sent an email to Mr. Bakula and tell him where you are soing to stay in Beijing. Also, I cc this email to you. please kindly check it.

The following are the detailed address of the hotel both in English and Chinese in case you don't meet Arthur & Charles at the Airport.

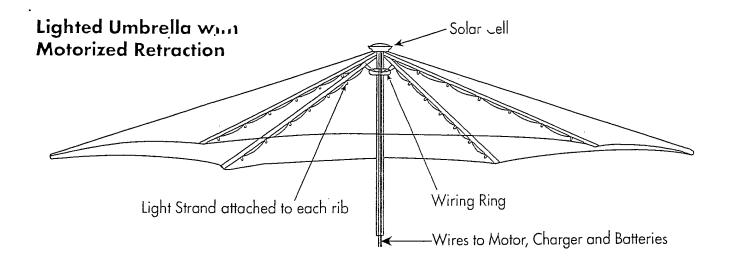
China World Hotel

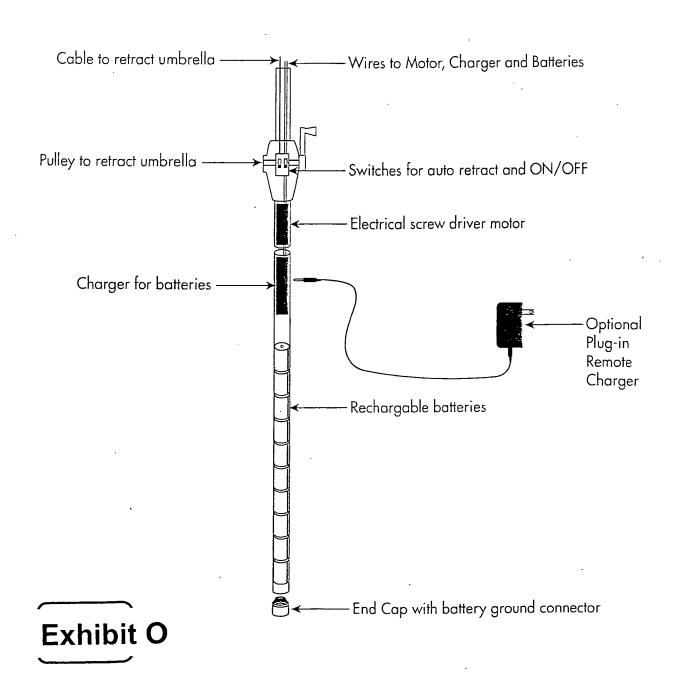
No. 1 Jianguo men wai Ave. Da Bei Yao, Beijing
Tel: (10) 6505-2266
Chinese.

· 中国大阪店 北京建国门外大街一号,大礼窑

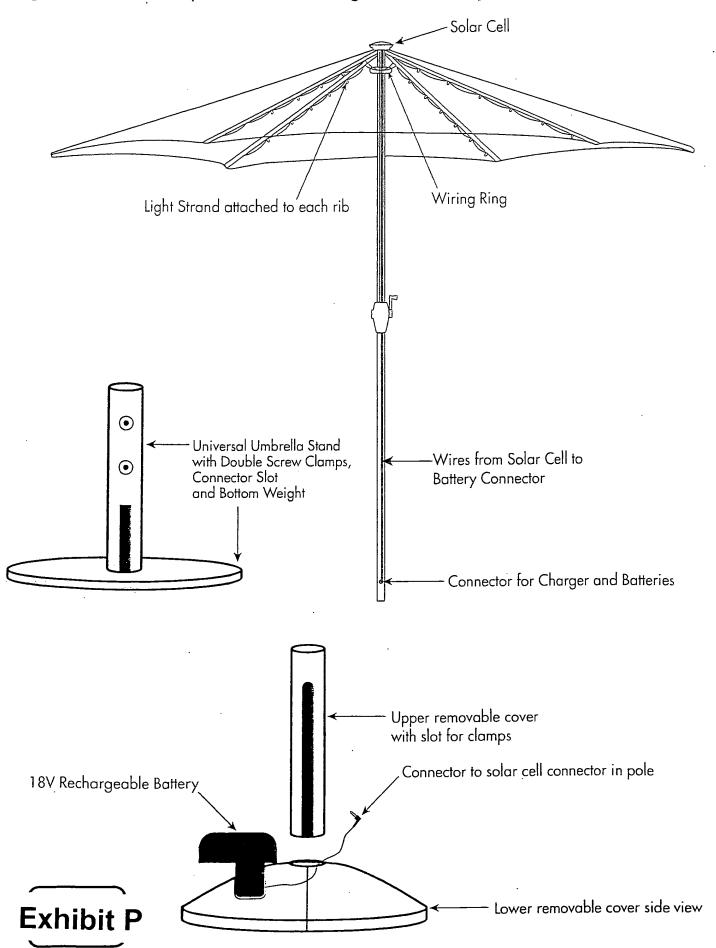
Best Regards

Exhibit N

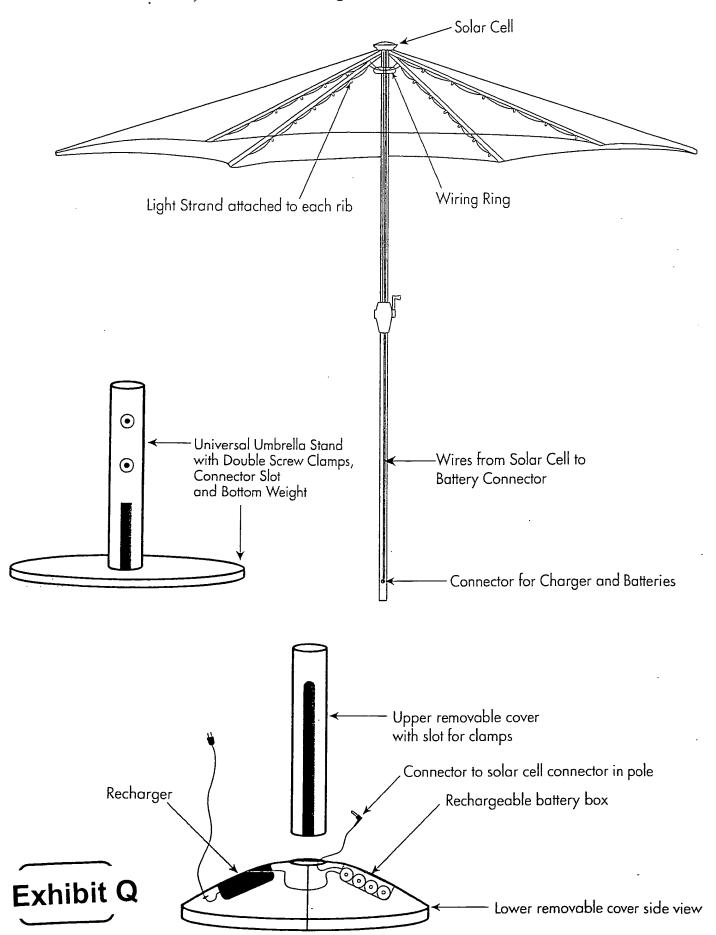




Lighted Umbrella wi... Stand and Single 18V Battery in Removable Cover



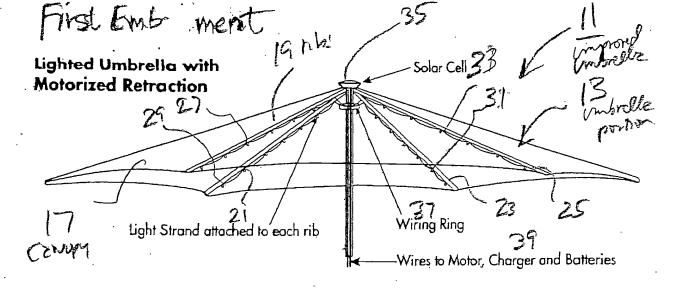
Lighted Umbrella wi... Stand, Charger and Batteries in Removable Cover

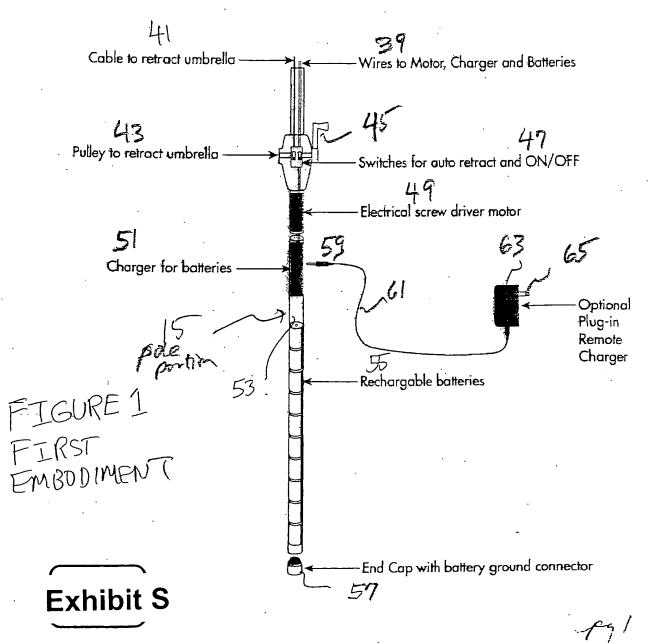


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Seand imbudiment

Lighted Umbrella with Stand and Single 18V Battery in Removable Cover Solar Cell 133 Viring Ring 23 125 Light Strand attached to each rib IGURE 2B 115 standard Universal Umbrella Stand with Double Screw Clamps, -Wires from Solar Cell to Connector Slot **Battery Connector** and Bottom Weight l 38 Connector for Charger and Batteries PIGURE 24 Upper removable cover with slot for clamps Connector to solar cell connector in pole 18V Rechargeable Battery 154 160 **Exhibit T**

162

P.03

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Lower removable cover side view

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Lighted Umbrella with Stand, Charger and Batteries in Removable Cover 235 Solar Cell 22 233 219 217 CAMPY 237 225 Light Strand attoched to each rib Wiring Ring 243 FIGURE 3B **①** Universal Umbrella Stand Wires from Solar Cell to with Double Screw Clamps, **①** Connector Slot **Battery Connector** gnd Bottom Weight Connector for Charger and Batteries 246 256 FIGURE 3C Upper removable cover with slot for clamps Connector to solar cell connector in pole Recharger Rechargeable battery box **Exhibit U** 276 Lower removable cover side view 262

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UNION LEGEND INC.

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Statement regarding work on a solar umbrella project.

In July of 1999 we began investigating the possibility of developing and sourcing a product idea disclosed to us earlier by Gregory Kuelbs. The concept was that of a "Patio" type umbrella with lights powered by batteries that were recharged by a solar panel.

Some of the following elements of the design Mr. Kuelbs described were as listed below.

The solar panel was to be mounted on the top of the umbrella pole above the fabric cover and detachable from the pole for shipping.

The batteries and charging circuit board were to be mounted in the same housing as the solar panel or just under the fabric cover near or where the umbrella ribs connected at the top. We were to considered benefits and tooling costs of both.

Led and cold cathode type lights were both considered .Leds were cheaper, used less power and were an easier way. Cold cathode was more complicated used more power but produced more light with fewer elements. We decided to start with the Leds first.

The wiring and connections were to be inside the ribs on tubing type umbrellas and hidden in a grove on wood umbrellas. The led was to be mounted in a hole drilled in to the rib or completely recessed and covered by a lens.

An on-off switch was to be mounted on the pole within easy reach. It was to preferably have al hillow light setting on the switch. On umbrellas with "crank housing' the switch could be mounted in that housing.

We did some initial research on factories that could manufacture the various elements and the costs and ways to do so.

We discontinued work on this project because of other business commitments.

. We had agreed with Mr. Kuelbs not to disclose the overall idea to anyone else including the component factories and never did so.

Jessica Kao 04/26/2006

Exhibit V

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